

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA, )  
Department of Environmental )  
Protection, STATE OF CONNECTICUT, )  
STATE OF MARYLAND, STATE OF NEW )  
JERSEY, and STATE OF NEW YORK )  
Plaintiffs, )

v. )


) Civil Action No. 05-885

ALLEGHENY ENERGY, INC., )  
ALLEGHENY ENERGY SERVICE )  
CORPORATION, ALLEGHENY )  
ENERGY SUPPLY COMPANY, LLC, )  
MONONGAHEHLA POWER COMPANY, )  
THE POTOMAC EDISON COMPANY, )  
and WEST PENN POWER COMPANY, )  
Defendants. )

ORDER

AND NOW, this 6<sup>th</sup> day of October, 2010, upon consideration  
of defendants' Motion for Judgment as a Matter of Law at the  
Close of all the Evidence [document #450], IT IS HEREBY ORDERED  
that the motion is DENIED WITHOUT PREJUDICE.

BY THE COURT:

  
Hon. Gary L. Lancaster,  
Chief United States District Judge

cc: All Counsel of Record